

SECOND REGULAR SESSION

HOUSE BILL NO. 2641

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

5364H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to the truth in science and health act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.243, to read as follows:

191.243. 1. The provisions of this section shall be known and may be cited as the "Truth in Science and Health Act".

2. For purposes of this section, the following terms mean:

(1) "Government entity":

(a) Any agency or instrumentality of the state government; or

(b) Any political subdivision or agency or instrumentality thereof;

(2) "Political subdivision", any municipality, school district, special district, local governmental body, county, city, town, or village.

3. (1) A government entity or employee of a government entity acting in his or her official capacity shall not misrepresent or disseminate any misleading or objectively false information or data related to any governmental function, policy, law, regulation, or guideline including, but not limited to, any such function, policy, law, regulation, or guideline relating to science, public health, medicine, medical devices, or administrative actions.

(2) (a) Any person may bring a civil action in circuit court to enforce the provisions of subdivision (1) of this subsection. Relief in such action shall be limited to

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **injunctive relief, declaratory relief, or both injunctive and declaratory relief. The court**
18 **may award reasonable attorney's fees to the prevailing plaintiff.**

19 **(b) The court in such action shall not take judicial notice of any relevant**
20 **contested facts under circumstances in which specific issues are being challenged.**

21 **4. All science, data, and supporting information used to make any decisions or**
22 **rules related to public health or other administrative laws or actions shall be made**
23 **available to the public at the time the rules or orders are issued. Any supporting**
24 **information that becomes available after issuance of the rules or orders shall be released**
25 **to the public immediately. All such data and information shall be released to the public**
26 **in ways that make the data and information easy to find and accessible.**

27 **5. A government entity or employee of a government entity speaking in his or**
28 **her official capacity shall not use propaganda, fear, or other tactics of public**
29 **manipulation including, but not limited to, the concealment of important scientific**
30 **information.**

31 **6. If a government entity that oversees public health matters receives guidance**
32 **from a nonstate actor, the government entity shall immediately disclose to the public the**
33 **identity of the nonstate actor and the nature of the guidance in a clear and conspicuous**
34 **way.**

35 **7. The government entity or employee of a government entity that provides**
36 **information or data in accordance with the provisions of this section shall bear the**
37 **burden of demonstrating that the actions of the government entity or employee**
38 **reasonably comply with the requirements of this section.**

39 **8. The provisions of this section shall apply to any and all existing public health**
40 **orders related to COVID-19 and any orders or rules relating to current or future health**
41 **pandemics or declared public health threats issued by any government entity that**
42 **oversees public health matters. Any orders or rules issued under emergency powers**
43 **shall receive immediate priority for disclosure, and relevant information shall be made**
44 **available to the public within two weeks of the issuance of such orders or rules.**

45 **9. All data and scientific information relating to any vaccine, medicine, or**
46 **health-related device, procedure, product, or service shall be subject to discovery and**
47 **considered in any legal action related thereto in this state.**

48 **10. Discovery related to science or public health issues shall be a part of any civil**
49 **or criminal trial conducted in this state, and courts shall consider the fact basis for any**
50 **such suit.**

51 **11. Manufacturers of medical devices, medicines, and vaccines shall have an**
52 **affirmative duty to disclose all known and relevant information related to their products**
53 **that may have any impact on the health of consumers including, but not limited to, the**

54 details of all ingredients in vaccines, medicines, or other therapeutics. The affirmative
55 duty shall be ongoing, with time of the essence in disclosing the information as it
56 becomes known to such manufacturers.

57 12. If the provisions of any other section conflict with the provisions of this
58 section, the language that requires the most transparency shall control.

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